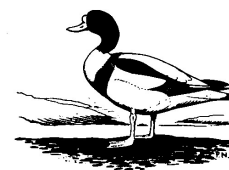

SEAL SANDS HAZARDOUS WASTE DISPOSAL FACILITY, TEESIDE: COMMENTS ON A SCOPING REPORT BY RPS



VIEW OF NO 5 BRINE FIELD FROM GREATHAM CREEK SEA WALL



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Revision A - September 2004

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INTRODUCTION

The Teesmouth Bird Club (TBC) received a request on 26th May 2004 from RPS of Oxford to comment on a Draft Scoping Report prepared in advance of an Environmental Impact Assessment (EIA) for a waste disposal facility at Seal Sands, Teesside. Comments were subsequently provided in the form of a brief report on 11th June, *'Seal Sands Waste Disposal Facility, Teesside: Comments on the Scoping Report by Teesmouth Bird Club'*.

In August, RPS issued a revised document entitled *'Seal Sands Waste Management Facility – Environmental Statement Scoping Report'* and this was forwarded to the Teesmouth Bird Club by Hartlepool Borough Council for comment. This document is an updated version of the one which we issued in June.

TBC was formed in 1960, has over 250 members and is the leading authority on the birds of the former County of Cleveland (now the four unitary authorities of Hartlepool, Stockton-on-Tees, Middlesbrough and Redcar and Cleveland). It produces the annual *'Cleveland Bird Report'* and its knowledge of the birds of the Tees Estuary is particularly comprehensive.

PURPOSE OF THIS REPORT

The purpose of this report is to provide feedback on the revised Scoping Report. We have focused particularly on:

- the current ornithological value of the site;
- our key concerns;
- items which we consider should be included in the EIA;
- specific comments on the Scoping Report, and
- further survey work/research, which we consider will be required.

It is stressed that our response is confined solely to ornithological issues. We assume that other specialist organisations, including Hartlepool Borough Council, will respond to the issues surrounding noise, vibration, hydrology, hydrogeology, traffic and archaeological and cultural heritage.

CURRENT IMPORTANCE OF THE SITE

The site occupies Brinefield No 5 and was formerly owned by ICI. It is an extensive, triangular piece of land defined by the Greatham Creek sea wall to the south, Seaton Carew Road to the west and the Huntsman Tioxide emergency access road to the north. It forms part of a wider area, which extends northwards to the Huntsman Tioxide Works, known locally as 'Greenabella Marsh', which itself is part of a string of habitats referred to as the 'North Tees Marshes'. It does not, in fact, lie within Seal Sands and we still believe the title of the Scoping Report to be misleading.

The site consists of a series of lagoons (including one created several years ago by INCA (Industry and Nature Conservation Association)), rough grassland and marshland and is of major ornithological importance within the context of the Tees Estuary as a whole. Its significance is reflected in the following:

- **Part of the site lies within the SPA** and, in view of its major nature conservation importance, we understand that it will require an *'Appropriate Assessment'* by Hartlepool Borough Council and the Environment Agency under the *'Conservation (Natural Habitats*

&c) *Regulations' 1994*. English Nature, RSPB and TBC will be key players in this process in providing relevant information.

- **Breeding Little Ringed Plovers (*Charadrius dubius*) are present around the well-heads**, with at least 1 pair having definitely bred in 2004. This is a Schedule 1 species under the *'Wildlife and Countryside Act'* 1981 and is, therefore, afforded the highest level of statutory protection.
- **Greenabella Marsh is an extremely important area for winter feeding and high tide roosts of waders**, notably Redshank (*Tringa totanus*), Dunlin (*Calidris alpina*), Curlew (*Numenius arquata*), Knot (*Calidris canutus*) and Ringed Plover (*Charadrius hiaticula*).
- **The site is a vital staging post for passage migrants moving north in spring and south in autumn** and is particularly well used by waders and wildfowl, including Teal (*Anas crecca*), Wigeon (*Anas penelope*), Black-tailed Godwit (*Limosa limosa*), Green Sandpiper (*Tringa ochropus*), Common Sandpiper (*Actitis hypoleucos*), Wood Sandpiper (*Tringa glareola*) and Greenshank (*Tringa nebularia*).
- **Greenabella Marsh has the largest wintering population of Stock Doves (*Columba oenas*) in Cleveland** (and possibly in the UK), with over 600 being recorded in recent years. These often gather on the telephone wires which cross the site.
- **The site is one of the most important wintering areas for Twite (*Carduelis flavirostris*) in North East England**, with a flock of up to 90 frequenting the Greenabella Marsh/Long Drag area and these often gather on the telephone wires, which cross the site from north to south, or feed on the rough grassland.
- **It is an important, reliable site for wintering for Jack Snipe (*Lymnocyptes minimus*)**, particularly in the marshy ground in the extreme south-west corner. This is a scarce passage migrant and winter visitor to Cleveland.
- **The lagoons adjacent to the Greatham Creek sea wall have breeding Common Terns (*Sterna hirundo*)**. These have recently colonised the area following the creation of an artificial island and 'nesting tunnels' in 2003 and at least 8 pairs have bred this year.
- **The same area has potential breeding Little Terns (*Sterna albifrons*)**. This, too, is a Schedule 1 species and, in recent years, at least 1 pair has prospected the tern island. Little Terns are frequently prone to disastrous breeding failures at their normal, precarious beach-side colonies, such as South Gare, Redcar, so secure sites such as this may become vital for the long-term survival of the species.
- **Greenabella Marsh has breeding Shoveler (*Anas clypeata*) and Gadwall (*Anas strepera*)**, both very scarce breeding species in Cleveland.
- **It is one of the few known sites around the Tees Estuary where Whinchat (*Saxicola rubetra*) breeds**, with a pair regularly frequenting the area along the emergency access road.
- **It is a major roosting and feeding area for Short-eared Owls (*Asio flammeus*) in the Tees Estuary**, a species which appears to be in decline in Cleveland. Within the past few weeks, up to 8 have been seen on Greenabella Marsh – the highest count for many years.
- **Wintering Kingfishers (*Alcedo atthis*) are regularly seen**, particularly in the southern part of the area, near the Greatham Creek sea wall.

- **Greenabella Marsh has attracted many rare and scarce species**, including Red-footed Falcon (*Falco vespertinus*), Avocet (*Recurvirostra avosetta*), Britain's 2nd Short-billed Dowitcher (*Limnodromus griseus*), Semipalmated Sandpiper (*Calidris pusilla*), Baird's Sandpiper (*Calidris bairdii*) and American Golden Plover (*Pluvialis dominica*).

TBC'S KEY CONCERNS

Any proposal that involves the storage of toxic waste so close to sites of major nature conservation importance, whether above or below ground, is, by its very nature, bound to raise concerns.

The TBC's key concerns have largely been identified in RPS's Scoping Report and we comment on these as follows:

- **Disturbance to birds during the initial site investigation (as part of the EIA) and the actual operation and future monitoring/maintenance of the waste disposal facility**, including Schedule 1 species and those other scarce birds listed above. Disturbance would result from human presence, site and operational traffic, noise, dust and vibration.
- **Damage to existing habitats**, through the construction of access roads, buildings and other surface features.
- **The discharge of brine into the sea**, thereby adversely affecting the marine ecology of the Tees Estuary. As the Scoping Report states:

"The waste disposal facility is likely to affect the surface hydrology of the site at ground level and the hydrogeological systems of any permeable surface geology. The possible discharge of brine into the estuary may also have an impact on existing water quality."

For economic reasons, the preferred disposal of the brine may well be by discharge into the sea. This would be unacceptable as far as the TBC is concerned because the estuary has historically seen a significant decline of *Zostera* and Ragworms, caused, at least in part, by the effects pollution. These events have resulted in the dramatic decline of some formerly more common species, such as Shelduck (*Tadorna tadorna*), wintering Brent Geese (*Branta bernicla*) and some species of wader. Any further adverse effects would be disastrous.

- **The high risk of surface spillage of toxic waste/hazardous materials.** This, in fact, has occurred in recent years, involving Naptha, resulting in severe damage to areas of nature conservation interest, some of which have yet to fully recover. There has also been a history of spillage at the wellheads. We assume that 'Level 1' and 'Level 2' wastes are of the highest toxicity.
- **The potential risk of underground seepage into groundwater** and, ultimately, the Tees Estuary, resulting in major contamination of environmentally important and sensitive areas. Teesside has long been a 'repository' for hazardous waste materials and there has been a number of serious pollution incidents within the recent past.
- **The effects on INCA's lagoon in the south west corner**, created several years ago for nature conservation value and, indeed, the other lagoons within the proposed site area.
- **The effects on the waste from inundation by seawater**, either naturally through the predicted rise in sea level, or through a 'managed retreat' flood defence scheme. During the 1970's, for example, the sea wall was breached and the site flooded.
- **There are no details of the gas flare and more information will be required on the venting of volatiles.** We are very concerned about the effects of a flare on this site

as it is a 'dark corner' of the North Tees Marshes at night. We are unclear whether it is planned to recover or dispose of the hydrocarbons and this needs to be clarified in the EIA.

- **The RSPB is currently developing a large, new nature reserve, 'RSPB Saltholme', very close to the site** and this will be a 'flagship' for the RSPB, with the biggest and most advanced Visitor Centre in the UK being developed near the former Saltholme Farm. The project will be completed in 2007 and is expected to attract over 80,000 visitors a year. The disposal of huge quantities of toxic waste nearby is clearly incompatible with this.
- **For ecological reasons, English Nature plans to reintroduce grazing on the site** and new stock-proof fencing has already been erected along some boundaries. This is not mentioned in the Scoping Report.
- **There is some evidence of a lack of basic understanding of the contextual characteristics of the site;** for example, it is stated that only half of the former area of Seal Sands remains – in fact, it is much less (only 7%).

ITEMS TO BE INCLUDED IN THE EIA

- **A Communication Plan:** ie how the EIA will be carried out in consultation with key organisations and individuals, particularly those that have major concerns. The Non-Statutory Consultees list in the Scoping Report is not comprehensive enough. A full programme needs to be developed.
- **A full Options Appraisal:** outlining alternative solutions and their significant environmental effects on Environmental Receptors and how the Preferred Option was arrived at. Have other sites been considered? This is a statutory requirement.
- **An Environmental Action Plan:** ie by what means and over what timescale the recommendations of the EIA, particularly for environmental mitigation and enhancement, will be implemented.
- **A comprehensive Ornithological Survey of No 5 Brinefield:** to assess in detail its current ornithological characteristics, and to provide baseline information. Whilst Greenabella Marsh is well-watched by our members there are no separate ornithological data available for Brinefield No 5. Should it be decided to proceed with an EIA then this area will require a special ornithological survey. This would need to include breeding, wintering and passage birds and how birds use the site. This should be done in association with local ornithological groups, notably the Teemouth Bird Club and RSPB. In addition, the birds of the Tees Estuary have been the subject of a very long period of study, spanning decades, by Durham University, led by the late Dr Peter Evans. This will provide much useful data.
- **Details of Emergency Preparedness and Response** in the event of spillage, including how the nature conservation interest of the site will be protected.

SPECIFIC COMMENTS ON THE SCOPING REPORT

1. *Page 4, 1.24:* The consultants state that spillages during cavern filling are "*unlikely*", though there has been a number of spillages on the Brinefields in the recent past, including Greenabella Marsh.
2. *Page 12, 2.36:* To which "*County Council*" is RPS referring? We raised this issue in our last written response. Why have other Non-Statutory Organisations been omitted from the circulation list for the revised Scoping Report?

3. *Page 17, 4.4:* There is an inference that brine waste may be pumped into the Tees Estuary. TBC would be totally opposed to this.
4. *Page 19, 4.9:* Are "List 1" and "List 2" substances the highest levels of toxicity? No explanation is given in the Scoping Report of these terms.
5. *Page 20, 4.17:* This paragraph pre-empts the findings of the EIA, which should be an *objective assessment* of the likely risks of discharge into groundwater.
6. *Page 24, 5.11:* This also pre-empts the findings of the EIA.
7. *Page 34, 8.5:* The assessment of the effects of noise and vibration needs to cover all species that use the site and not just an emphasis on breeding birds.
8. *Page 38, 9.1 and 9.3:* What about the effects on current users of the site, such as birdwatchers, botanists and entomologists?
9. *Page 39, 9.4:* What is the significance/relevance to the EIA of establishing population breakdown of those between 16 and 60?
10. *Page 41, 10.3:* This statement on visual impact again pre-empts the findings of the EIA.

'APPROPRIATE ASSESSMENT' BY HARTLEPOOL BOROUGH COUNCIL

In view of the statutory designations of the site, we assume that Hartlepool Borough Council, in conjunction with the Environment Agency, will be undertaking an *'Appropriate Assessment'* under Regulation 48 and we would be grateful if you could inform us of the nature of and timescale for this.

CONCLUSIONS

TBC was one of the few organisations to provide RPS with written comments on their original Scoping Report. Despite this, the only 'Non-Statutory' organisation to be issued with the revised (August) report is INCA and it remains unclear why TBC, TVWT and RSPB were omitted.

Despite the fact that TBC will assist with the provision of data for the preparation of an Environmental Statement, this does not alter our stance of fundamental opposition to this development. Over the past 5 years, many habitats have been, or are in the process of being lost around the Tees Estuary, including a large swathe of Cowpen Marsh, most of Hargreave's Quarry and the Reclamation Pond, which last year had its Planning Permission for infilling renewed by Stockton-on-Tees Borough Council, despite an objection by TBC. These habitats, like Greenabella Marsh, are irreplaceable.

PHOTOGRAPHS OF THE SITE (SUMMER 2004)



VIEW ACROSS LAGOONS TO POWER STATION:
The area in the foreground is excellent for Jack Snipe.



VIEW TOWARDS THE TERN ISLAND:
Eight pairs of Common Terns were present in 2004. The telephone wires are excellent for Twite and Stock Doves in winter.



VIEW TOWARDS THE SEAL SANDS SEA WALL:
This shows the new lagoon (left) and the Seal Sands sea wall in the distance – an important area for Short-eared Owls and roosting waders.



VIEW ALONG GREATHAM CREEK SEA WALL